

81-8,128. State Athletic Commissioner; appointment; term; salary; bond or insurance; assistants.

There is hereby established the position of State Athletic Commissioner. The commissioner shall be appointed by the Governor and shall hold office for a term of two years commencing the first Thursday after the first Tuesday of January in each odd-numbered year. The commissioner shall receive such salary as the Governor may elect and shall be bonded or insured as required by section 11-201. The commissioner may be reappointed for successive terms.

The office of the commissioner shall be located within and under the general supervision of the Charitable Gaming Division of the Department of Revenue. The commissioner may exercise and perform his or her powers and duties at any location in the state. The commissioner may employ assistants and fix their compensation in conjunction with the Charitable Gaming Division. The compensation of assistants and expenses of the office of the commissioner shall be paid through the State Athletic Commissioner's Cash Fund.

Source:Laws 1957, c. 382, § 1, p. 1326; Laws 1978, LB 653, § 33; Laws 1993, LB 397, § 2; Laws 2004, LB 884, § 41; Laws 2006, LB 941, § 1; Laws 2010, LB879, § 21; Laws 2011, LB210, § 11.

81-8,128.01. State Athletic Commissioner; salary increase; when effective.

Section 81-8,128 shall be so interpreted as to effectuate its general purpose to provide, in the public interest, adequate compensation as therein provided for the State Athletic Commissioner, and to permit a change in such salary as soon as the same may become operative under the Constitution of the State of Nebraska.

Source:Laws 1967, c. 591, § 2, p. 2011.

81-8,129. State Athletic Commissioner; jurisdiction; activities covered.

The State Athletic Commissioner shall have sole direction, management, control, and jurisdiction over all professional mixed martial arts, professional boxing, and professional sparring matches and exhibitions and all amateur mixed martial arts matches and exhibitions to be held within the state, except such as are conducted by universities, colleges, high schools, the military, and recognized amateur associations for contestants under sixteen years of age. No professional boxers, professional mixed martial arts contestants, or amateur mixed martial arts contestants who have attained the age of sixteen, shall participate in a match or exhibition for a prize or purse, or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, in this state except by a club, association, organization, or person licensed by the commissioner, as provided in section 81-8,130, and in pursuance of a license granted by the commissioner for such match or exhibition under section 81-8,130.01.

Source:Laws 1957, c. 382, § 2, p. 1327; Laws 1980, LB 849, § 2; Laws 2007, LB471, § 1; Laws 2012, LB869, § 1; Laws 2015, LB291, § 1.

Annotations

- Fight contests, which include kickboxing, mixed martial arts, and submission wrestling, do not qualify as professional wrestling or boxing matches or exhibitions as those terms are used in the statute. The State Athletic Commissioner has jurisdiction over

professional wrestling and boxing and has no authority to issue a license for fight contests. *Mason v. City of Lincoln*, 266 Neb. 399, 665 N.W.2d 600 (2003).

81-8,129.01. State Athletic Commissioner's Cash Fund; created; receipts; disbursements.

There is hereby created a fund, to be known as the State Athletic Commissioner's Cash Fund, from which shall be appropriated such amounts as are available and as shall be considered incident to the administration of the State Athletic Commissioner's office. Money in the State Athletic Commissioner's Cash Fund may be transferred to the General Fund at the direction of the Legislature. The fund shall contain all license fees and gross receipts taxes collected by the commissioner as provided under sections 81-8,128 to 81-8,142.01, which shall be paid into the state treasury and the State Treasurer shall credit the money to the State Athletic Commissioner's Cash Fund.

Source:Laws 1973, LB 118, § 1; Laws 1980, LB 849, § 3; Laws 1983, LB 469, § 6.

81-8,130. Amateur mixed martial arts matches or exhibitions; license; fee.

The State Athletic Commissioner may issue an annual license for conducting amateur mixed martial arts matches or exhibitions to any club, association, or organization. Each application for a license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than twenty-five dollars and not more than one hundred dollars.

Source:Laws 1957, c. 382, § 3, p. 1327; Laws 1980, LB 849, § 4; Laws 2002, LB 482, § 1; Laws 2012, LB869, § 2.

81-8,130.01. Professional matches; promoters; licenses and permits; fee.

Licenses and permits may be issued to professional mixed martial arts or professional boxing promoters, whether persons, clubs, or associations, for the sole purpose of conducting professional matches under such rules and regulations as the State Athletic Commissioner shall adopt. Each application for such license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than one hundred dollars and not more than three hundred dollars. If the promoter is an individual, the application shall include his or her social security number.

Source:Laws 1980, LB 849, § 17; Laws 1997, LB 752, § 222; Laws 2002, LB 482, § 2; Laws 2007, LB471, § 2; Laws 2012, LB869, § 3; Laws 2015, LB291, § 2.

81-8,131. Mixed martial arts, defined.

For purposes of sections 81-8,128 to 81-8,142.01, mixed martial arts, commonly referred to as MMA, means an unarmed combat sport in which two competitors seek to achieve dominance over each other by utilizing a combination of permitted martial arts techniques from disciplines of martial arts, including, but not limited to, grappling, kicking, and striking. Martial arts means any one of the disciplines set forth in rules and regulations adopted and promulgated by the State Athletic Commissioner.

Source:Laws 2007, LB471, § 11.

81-8,132. Licensee; bond; conditions.

No license shall be granted unless the licensee has executed a bond in the sum of not less than one thousand dollars in the case of amateur mixed martial arts, nor less than five thousand dollars in the case of professional mixed martial arts or professional boxing. The license shall be approved by the State Athletic Commissioner, conditioned on the faithful compliance by the licensee with the provisions of sections 81-8,129 to 81-8,142.01, the rules and regulations of the commissioner, and such other laws of the state as may be applicable to anything done by the licensee in pursuance of the license.

Source:Laws 1957, c. 382, § 5, p. 1328; Laws 1980, LB 849, § 5; Laws 2007, LB471, § 3; Laws 2012, LB869, § 4; Laws 2015, LB291, § 3.

81-8,133. Referees; license; duties; fee.

The State Athletic Commissioner is authorized to grant licenses to competent referees, upon an application and the payment of a fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than forty dollars per annum. The commissioner may revoke any license so granted for such cause as may be deemed sufficient. At every professional boxing, professional mixed martial arts, amateur mixed martial arts, or professional sparring match or exhibition, there shall be in attendance a duly licensed referee, who shall direct and control the match. The referee shall stop the match whenever he or she deems it advisable, (1) because of the physical condition of the contestants or one of them, (2) when one of the contestants is clearly outclassed by his or her opponent, or (3) for any other sufficient reason. The referee shall, at the termination of every professional boxing, professional mixed martial arts, amateur mixed martial arts, or professional sparring match or exhibition, indicate a winner. The fees of the referee and other licensed officials may be fixed by the commissioner and shall be paid by the licensed organization.

Source:Laws 1957, c. 382, § 6, p. 1328; Laws 1980, LB 849, § 6; Laws 2002, LB 482, § 3; Laws 2007, LB471, § 4; Laws 2012, LB869, § 5; Laws 2015, LB291, § 4.

81-8,133.01. Other officials and contestants; license required; fees; revocation of license.

The State Athletic Commissioner may grant licenses to qualified physicians, managers, matchmakers, and professional mixed martial arts, professional boxing, or professional sparring match or exhibition judges upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee for matchmakers shall be not less than ten dollars and not more than one hundred dollars. Such fee for physicians, managers, and professional mixed martial arts, professional boxing, or professional sparring match or exhibition judges shall be not less than ten dollars and not more than twenty dollars. The commissioner may also grant licenses to qualified timekeepers, contestants, and seconds upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than twenty dollars. The application shall include the applicant's social security number. No person shall serve as physician, manager, matchmaker, or judge at any professional mixed martial arts, professional boxing, or professional sparring match or exhibition who is not licensed as such. No person shall serve as timekeeper or contestant at any professional mixed martial arts or professional boxing match who is not licensed as such. The commissioner

shall have summary authority to stop any match at which any person is serving in violation of the provisions of this section. Any license granted under the provisions of this section may be revoked for cause.

Source:Laws 1963, c. 501, § 1, p. 1604; Laws 1980, LB 849, § 7; Laws 1984, LB 980, § 1; Laws 1997, LB 752, § 223; Laws 2002, LB 482, § 4; Laws 2007, LB471, § 5; Laws 2012, LB869, § 6; Laws 2015, LB291, § 5.

81-8,134. Boxing, mixed martial arts, or sparring matches; rules governing.

(1) Any professional boxing match, professional mixed martial arts match, or amateur mixed martial arts match conducted in this state which is labeled or promoted as a championship boxing match or a championship mixed martial arts match shall have regional or national significance and the approval of a nationally recognized professional boxing or mixed martial arts association.

(2) Professional boxing or professional sparring matches or exhibitions shall not exceed ten rounds in length, except in a championship match, which shall not exceed fifteen rounds. No round shall be longer than three minutes. At least one minute shall intervene between rounds. The contestants shall wear during the contest gloves weighing at least eight ounces each.

(3) Professional mixed martial arts matches or exhibitions shall not exceed three rounds in length, except in a championship match, which shall not exceed five rounds in length. No round shall be longer than five minutes. At least one minute shall intervene between rounds.

(4) No professional boxing contestant, professional mixed martial arts contestant, or amateur mixed martial arts contestant shall be allowed to participate or take part in any contest in this state unless a duly licensed physician shall certify in writing that such contestant has taken a physical examination the day of the contest and is physically fit to engage in the proposed contest.

Source:Laws 1957, c. 382, § 7, p. 1328; Laws 1980, LB 849, § 8; Laws 2007, LB471, § 6; Laws 2012, LB869, § 7.

81-8,135. Licensee; reports; contents; gross receipts tax; amounts.

Every licensee conducting or holding any professional mixed martial arts, amateur mixed martial arts, or professional boxing match shall furnish to the State Athletic Commissioner a written report showing the articles of agreement between the contestants, the number of tickets sold for each contest, the amount of the gross receipts thereof, the gross receipts from sale of any television rights, and such other matters as the commissioner shall prescribe. Within such time the licensee shall pay to the commissioner a tax of five percent of the total gross receipts of any professional mixed martial arts or professional boxing match or exhibition, exclusive of state and federal taxes, except the gross receipts from sale of television rights, and five percent of such rights, and five percent of the total gross receipts of any amateur mixed martial arts match or exhibition, exclusive of state and federal taxes, except that if such match or exhibition is conducted as an incidental feature in any event or entertainment of a different character, such

portion of the total receipts shall be paid to the state as the commissioner may determine, or as may be fixed by rule adopted under section 81-8,139.

Source:Laws 1957, c. 382, § 8, p. 1329; Laws 1961, c. 434, § 1, p. 1349; Laws 1963, c. 520, § 1, p. 1638; Laws 1969, c. 778, § 4, p. 2951; Laws 1980, LB 849, § 9; Laws 2007, LB471, § 7; Laws 2012, LB869, § 8; Laws 2015, LB291, § 6.

81-8,136. Tickets; sale; commissioner may supervise.

The State Athletic Commissioner may have control and supervision of the sale of tickets and the issuing of complimentary tickets. He or she may be represented to supervise and check the counting of receipts, to enforce any and all rules and regulations of the commissioner, and to see that the provisions of sections 81-8,128 to 81-8,142.01, the rules and regulations of the commissioner, and the articles of agreement are carried out and complied with.

Source:Laws 1957, c. 382, § 9, p. 1329; Laws 1980, LB 849, § 10.

81-8,137. License; revocation or suspension; grounds.

Any license granted under the provisions of sections 81-8,128 to 81-8,142.01 may be revoked or suspended by the State Athletic Commissioner for a violation of the provisions of sections 81-8,128 to 81-8,142.01, the articles of agreement, any rule or regulation of the commissioner, or when the licensee, in the judgment of the commissioner, has been guilty of any act or offense detrimental to the public interest.

Source:Laws 1957, c. 382, § 10, p. 1329; Laws 1980, LB 849, § 11.

81-8,138. Contestants; compensation; when payable; fake contests.

No contestant in any match or exhibition shall be paid for services until the same are rendered, and should it be determined by the State Athletic Commissioner that a contestant did not give an honest exhibition of his or her skill, he or she shall not be paid. Any contestant who shall participate in any sham or fake professional boxing, professional mixed martial arts, or amateur mixed martial arts match or exhibition shall be disqualified and shall not thereafter be permitted to contend in any match or exhibition in this state, and any contestant who shall participate in any sham or fake professional boxing, professional mixed martial arts, or amateur mixed martial arts match or exhibition shall be guilty of a violation of sections 81-8,128 to 81-8,142.01.

Source:Laws 1957, c. 382, § 11, p. 1330; Laws 1980, LB 849, § 12; Laws 2007, LB471, § 8; Laws 2012, LB869, § 9.

81-8,139. State Athletic Commissioner; rules and regulations; powers; suspension of contestant from competition; fine; hearing; notice.

(1) Except as provided in subsection (2) of this section, the State Athletic Commissioner shall adopt and promulgate such rules and regulations for the administration and enforcement of sections 81-8,128 to 81-8,142.01 as he or she may deem necessary. Such rules and regulations shall include, but not be limited to, the establishment of written criteria for the granting and revoking of licenses, the setting of license fees, and the qualification requirements for those to be licensed as referees, physicians, managers, matchmakers, and professional boxing, professional

mixed martial arts, or professional sparring match or exhibition judges. He or she shall have the power and may control and limit the number of professional mixed martial arts, amateur mixed martial arts, professional boxing, or professional sparring matches or exhibitions given, or to be held, each year, or within one week, in any city or town, or by any organization. He or she may fine any licensee, except amateur contestants, an amount not to exceed one thousand dollars and may suspend for a period, not to exceed one year, any licensee's right to participate in or conduct any match or exhibition for unsportsmanlike conduct while engaged in or arising directly from any match or exhibition, failure to compete in good faith, engaging in any sham match or exhibition, or the use of threatening and abusive language toward officials, other contestants, or spectators.

(2) The State Athletic Commissioner may adopt and promulgate rules and regulations to identify a list of substances banned for use by any amateur or professional contestant and may require any contestant to submit to a test for banned substances as a condition for allowing the contestant's participation in a match or exhibition.

(3) The State Athletic Commissioner may suspend an amateur or professional contestant from competition for a period not to exceed one year and may fine a professional contestant an amount not to exceed one thousand five hundred dollars or forty percent of the prize or purse, whichever is greater, for a first offense of failing a test for a banned substance on the list developed pursuant to subsection (2) of this section or for refusing to submit to such a test. He or she may suspend an amateur or professional contestant from competition for a period not to exceed three years and may fine a professional contestant an amount not to exceed three thousand dollars or seventy percent of the prize or purse, whichever is greater, for any second such offense. He or she may suspend an amateur or professional contestant from competition for life and may fine a professional contestant an amount not to exceed five thousand dollars or one hundred percent of the prize or purse, whichever is greater, for any third or subsequent such offense. For purposes of determining if an offense under this subsection is a first, second, third, or subsequent offense, failing a test for banned substances and refusing to submit to such a test shall be considered the same offense.

(4) Before levying an administrative fine pursuant to this section, the State Athletic Commissioner shall set the matter for hearing. Proceedings to levy an administrative fine shall be contested cases prosecuted and appealable pursuant to the Administrative Procedure Act. At least ten days before the hearing, the State Athletic Commissioner shall serve notice of the time, date, and place of the hearing upon the licensee or other violator by personal or certified mail service.

(5) The State Athletic Commissioner shall remit any administrative fines collected under this section to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Source:Laws 1957, c. 382, § 12, p. 1330; Laws 1975, LB 5, § 1; Laws 1980, LB 849, § 13; Laws 2002, LB 482, § 5; Laws 2007, LB471, § 9; Laws 2012, LB869, § 10; Laws 2015, LB291, § 7; Laws 2016, LB823, § 1.

Effective Date: April 7, 2016

Cross References

- **Administrative Procedure Act**, see section 84-920.

81-8,139.01. Repealed. Laws 2013, LB 78, § 23.

81-8,140. Repealed. Laws 1981, LB 545, § 52.

81-8,141. Licensee; reports; failure to make; investigation; determination of tax; failure to pay; effect.

(1) Whenever any club, corporation, association, or person shall fail to make a report of any contest at the time prescribed by section 81-8,135, or whenever such report is unsatisfactory to the State Athletic Commissioner, he or she may examine, or cause to be examined, the books and records of such club, corporation, association, or person, and subpoena and examine under oath any officers or persons as witnesses for the purpose of determining the total amount of the gross receipts for any contest and the amount of taxes due pursuant to the provisions of section 81-8,135, which tax the commissioner may, upon and as a result of such examination, fix and determine. In case of a default in the payment of any taxes so adjudged to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation, association, or person of the amount, such delinquent club, corporation, association, or person shall ipso facto forfeit its, his, or her license and shall be thereby disqualified from receiving any new license, or any renewal of its, his, or her license. It, he, or she shall in addition thereto forfeit to the people of the State of Nebraska the sum of one thousand dollars in the case of amateur licenses and five thousand dollars in the case of professional licenses, which sum may be recovered by the Attorney General in the name of the people of the State of Nebraska in the same manner as other penalties are by law recovered.

(2) The State Athletic Commissioner may employ persons to inspect and collect the taxes required to be submitted to the commission under section 81-8,135. Any such inspector shall be bonded or insured as required by section 11-201.

Source:Laws 1957, c. 382, § 14, p. 1330; Laws 1980, LB 849, § 15; Laws 2004, LB 884, § 42.

81-8,142. Violations; penalty.

Any person who violates any of the provisions of sections 81-8,128 to 81-8,142.01 or who assists another to violate the same, shall be guilty of a Class III misdemeanor.

Source:Laws 1957, c. 382, § 15, p. 1331; Laws 1977, LB 39, § 298; Laws 1980, LB 849, § 16.

81-8,142.01. Violations; Attorney General; duties.

The State Athletic Commissioner may inform the Attorney General of any violations of sections [81-8,129](#) to [81-8,142.01](#), and may request the Attorney General to prosecute persons committing such violations. The Attorney General shall be authorized upon receipt of the request by the commissioner, to take the appropriate legal action, whether civil or criminal.